

HOUSE BILL NO. 669

INTRODUCED BY GUTSCHE, LANGE, STOKER, WINDHAM

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A SUPERVISED VISITATION AND EXCHANGE MONITORING PILOT PROGRAM FOR TWO COMMUNITIES; PROVIDING FOR ADMINISTRATION BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Supervised visitation and exchange monitoring pilot program. (1)

There is a supervised visitation and exchange monitoring pilot program in the department of public health and human services. The purpose of the program is to authorize the department to enter into contracts with eligible providers to create safe places for visitation with and exchange of children in cases of domestic violence, sexual assault, stalking, or child abuse, except for child sexual abuse, which is co-occurring with domestic violence, and cases requiring supervised visitation as ordered under 40-4-218.

(2) The department is authorized to contract with providers to operate supervised visitation centers in two communities in a pilot program.

(3) A provider seeking to contract with the department for a pilot program shall demonstrate the following minimum requirements:

(a) expertise in the area of domestic violence and the power and control dynamics of domestic violence;

(b) adequate security measures in place for the operation of supervised visitation and exchange monitoring, including separate facility entrances, a secure facility, and personnel capable of preventing violence; and

(c) prescribed standards and protocols by which supervised visitation and exchange monitoring may occur.

(4) The supervised visitation centers shall provide:

(a) exchange monitoring by a third party of the movement of a child between the custodial and noncustodial parent or between joint custodial parents at the start of a visit and at the end of a visit as required by a court order or with mutual consent of the child's parents for the purposes of facilitating a visitation;

(b) supervised visitation to allow contact between a noncustodial party and one or more children in the presence of a neutral third party; and

(c) supervised visitation and monitored exchange services to families when the child or children are residing with one parent, not including children in out-of-home care, foster care, or kinship care.

(5) A provider ~~may~~ SHALL charge a reasonable fee to individuals for use of program services based on the income of the individual, unless provided otherwise by court order. A schedule of sliding fees must be approved by the department. Fees may be retained by the provider for program use only.

NEW SECTION. Section 2. Appropriation. There is appropriated the following amounts from the general fund to the department of public health and human services to contract with providers to operate supervised visitation centers in two communities:

FY2006	\$250,000
FY2007	200,000

NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 40, and the provisions of Title 40 apply to [section 1].

NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2005.

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